

MATTER OF GRANDI  
In Exclusion Proceedings

A-17556854

*Decided by Board December 1, 1971*

- (1) Applicant is estopped from contending in exclusion proceedings that he was brought to the United States against his will where, in criminal proceedings for attempted smuggling of heroin into the United States, the courts considered the same contention and found applicant came to the United States voluntarily. Applicant, in possession of a visa for entry into the United States, destined to the United States, voluntarily arriving in the United States and submitting his luggage for inspection by Customs officials, must be considered an applicant for admission.
- (2) While it may be desirable for a special inquiry officer to advise an indigent alien who desires counsel about the possibility of obtaining free counsel and afford him the opportunity to explore the possibility if he so desires, the failure of the special inquiry officer to do so in the instant case did not prejudice applicant since counsel could not have altered the facts established by the criminal conviction.
- (3) An adjudication of admissibility in exclusion proceedings is proper even though parole of the alien has not been terminated.

EXCLUDABLE: Act of 1952—Section 212(a)(23) [8 U.S.C. 1182(a)(23)]—  
Convicted of illegal receiving, concealing, and  
facilitating the transportation and conceal-  
ment of a narcotic drug, in violation of 21  
U.S.C., sections 173 and 174.

ON BEHALF OF APPLICANT:

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